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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:
Date: October 26 2004 Name: Gustavo Siller, Jr. Reg. No. 32,305 Signature: [Signature]

BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Ooshima et al.

Appln. No.: 09/885,871

Filed: June 20, 2001

For: Spin-Valve Type Thin Film Magnetic Element

Attorney Docket No: 9281-4138

Examiner: Julie A. Watko

Art Unit: 2652

Mail Stop Patent Ext.
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Request for Reconsideration of the Patent Term Adjustment (in dup.); check for \$200 for Request fee
☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 44=			x \$88=	
First Presentation of Multiple Dep. Claim					+\$150=			+\$300=	
					Total	\$		Total	\$

Fee payment:

- ☒ A check in the amount of \$200 is enclosed.
☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Date

10/26/04

Respectfully submitted,

Gustavo Siller, Jr. (Reg. No. 32,305)

Two circular postmarks from the Office of the Commissioner of Patents and Trademark, dated OCT 29 2004. The postmarks are stamped in black ink on the envelope. The text "OFFICE OF THE COMMISSIONER OF PATENTS AND TRADEMARK" is arranged in a circle around the date "OCT 29 2004".

Date of Deposit _____

Name of applicant, assignee or
Registered Representative

Signature _____
Date of Signature 10/26/24

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ooshima et al.)	
)	
Serial No. 09/885,871)	
)	Examiner: Julie A. Watko
Filing Date: June 20, 2001)	
)	
For: "Spin-Valve Type Thin Film Magnetic)	Group Art Unit: 2652
Element")	
)	

**REQUEST FOR RECONSIDERATION OF THE
PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(d)**

Mail Stop Patent Ext
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

A Notice of Allowance for the above identified application was mailed on September 23, 2004, with a published term adjustment under 35 U.S.C. § 154(b) of 268 days. For the reasons stated herein, reconsideration of this patent term adjustment is respectfully requested.

REMARKS

Reconsideration of the patent term adjustment under 35 U.S.C. § 154(b) is requested. A Notice of Allowance with a term adjustment of 268 days was mailed on September 23, 2004, and a copy of the Notification is included herewith as Exhibit A. Correction of the patent term adjustment to add days to the patent term as shown below is respectfully requested. A fee charge as set forth in 37 CFR 1.18(e) is enclosed. Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The patent term adjustment for U.S. Patent Application No.: 09/885,871 is calculated as shown below. Dates are specified based on the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as Exhibit B. Please note that the corresponding to be issued U.S. Patent is not subject to a terminal disclaimer.

Period of adjustment under 37 C.F.R. § 1.703(a)

The period of adjustment under 37 C.F.R. § 1.703(a) is the number of days in the period beginning on the day ("the 14 month date") after that date that is fourteen months after the date on which the application was filed under 35 U.S.C. § 111(a) and ending on the date of mailing or either an action under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 151, whichever comes first.

The present application was filed on June 20, 2001. The 14 month date specified in 37 C.F.R. § 1.703(a) is August 20, 2002. The first PTO action was a Non-Final Rejection mailed July 18, 2003. The difference between the 14 month date and the date of mailing of the notice of allowance is 332 days.

Period of adjustment under 37 C.F.R. § 1.703(b)

The period of adjustment under 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed under 35 U.S.C. § 111(a).

The present application was filed on June 20, 2001. The 3 year date specified in 37 C.F.R. § 1.703(b) is June 20, 2004. The Notice of allowance was mailed on September 23, 2004. The difference between the 3 year date and the Notice date is 95 days.

Reduction in period of adjustment under 37 C.F.R. § 1.704

With respect to the grounds for adjustment set forth in 37 C.F.R. § 1.704(a)-(e), an applicant is deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods or time in excess of three months that are taken to reply to any notice or action by the Office. Any such three month period is measured from the date the notice or action was mailed to the applicant. The period of adjustment set forth in 37 C.F.R. § 1.703 shall be reduced by the number of days beginning on the day ("the 3 month date") after the date that is three months after the date of mailing of the Office communication.

In the present application, a Non-Final Office Action was mailed on November 10, 2003. The 3 month date for this communication is February 10, 2004. A Response to the Office Action was received by the Office on March 1, 2004, so the reduction in period of adjustment under 37 C.F.R. § 1.704(b) is 20 days.

Reduction in period of adjustment under 37 C.F.R. § 1.704

With respect to the grounds for adjustment set forth in 37 C.F.R. § 1.704(c) (7), an applicant is deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application also include submission of a reply having an omission (1.35(c)) in which case the period of adjustment set forth in 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the reply having an omission was filed and ending on the date that the reply or other paper correcting the omission was filed.

In the present application, a Non-Responsive Amendment was mailed on March 1, 2003. A complete Responsive Amendment was received by the Office on April 12, 2004, so the reduction in period of adjustment under 37 C.F.R. § 1.704(c) is 42 days.

Reduction in period of adjustment under 37 C.F.R. § 1.704

With respect to the grounds for adjustment set forth in 37 C.F.R. § 1.704(a)-(e), an applicant is deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods or time in excess of three months that are taken to reply to any notice or action by the Office. Any such three month

period is measured from the date the notice or action was mailed to the applicant. The period of adjustment set forth in 37 C.F.R. § 1.703 shall be reduced by the number of days beginning on the day ("the 3 month date") after the date that is three months after the date of mailing of the Office communication.

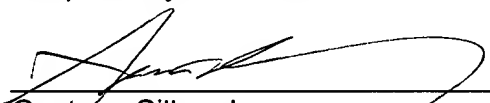
In the present application, a Final Office Action was mailed on May 11, 2004. The 3 month date for this communication is August 11, 2004. A Response to the Office Action was received by the Office on August 13, 2004, so the reduction in period of adjustment under 37 C.F.R. § 1.704(b) is 2 days.

Total patent term adjustment

For the present application, the total patent term adjustment under 37 C.F.R. § 1.703(f) is the period of adjustment under 37 C.F.R. § 1.703 reduced under 37 C.F.R. § 1.704. The total adjustment is thus 332 days + 95 days – 20 days – 42 days – 2 days = 363 days.

It is respectfully submitted that in the patent term adjustment determined for U.S. Patent Application No.: 09/885,871, the term was not adjusted to include the 95 day term adjustment under 37 C.F.R. § 1.703(b). Applicant respectfully requests reconsideration of the patent term adjustment for this Patent Application. Office personnel are invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this request.

Respectfully submitted,


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